

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

5 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

5 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **John G Sciortino**

Case No.: **17-18105**

Judge: **SLM**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **1/4/2019**

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY
SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney DLS Initial Debtor: JGS Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 532.00 Monthly to the Chapter 13 Trustee, starting on January 1, 2019 for approximately 16 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☒ Other sources of funding (describe source, amount and date when funds are available): \$8,820 already paid into Plan.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scura, Wigfield, Heyer, Stevens & Cammarota, LLP	Administrative	Amount to be determined by further application to the Court

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bankamerica	23 Lake Road Upper Saddle River, NJ 07458	74,808.97	295,000.00	296,497.53	0.00	0.00	Pro Rata
Valley Hospital	23 Lake Road Upper Saddle River, NJ 07458	861.78	295,000.00	296,497.53	0.00	0.00	Pro Rata
Atlantic Imaging Group	23 Lake Road Upper Saddle River, NJ 07458	246.17	295,000.00	296,497.53	0.00	0.00	Pro Rata
Stephen K. Mcilveen, MD	23 Lake Road Upper Saddle River, NJ 07458	10,607.60	295,000.00	296,497.53	0.00	0.00	Pro Rata
New Jersey Education Student Assistance Authority	23 Lake Road Upper Saddle River, NJ 07458	29,288.75	295,000.00	296,497.53	295,000.00	0.00	Pro Rata

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Shellpoint Mortgage Servicing - 1st mortgage on residence

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Bankamerica	23 Lake Road Upper Saddle River, NJ 07458 Bergen County	74,808.97	295,000.00	296,497.53	0.00	ALL
Valley Hospital	23 Lake Road Upper Saddle River, NJ 07458 DJ-051153-2004	861.78	295,000.00	296,497.53	0.00	ALL
Atlantic Imaging Group, LLC	23 Lake Road Upper Saddle River, NJ 07458 DJ-159519-2006	246.17	295,000.00	296,497.53	0.00	ALL
Stephen J. Mcilveen, MD	23 Lake Road Upper Saddle River, NJ 07458 DJ-101680-2014	10,607.60	295,000.00	296,497.53	0.00	ALL
New Jersey Education Student Assistance Authority	23 Lake Road Upper Saddle River, NJ 07458 J-153606-2013	29,228.75	295,000.00	296,497.53	0.00	ALL

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Bankamerica	23 Lake Road Upper Saddle River, NJ 07458 Bergen County	74,808.97	295,000.00	296,497.53	0.00	ALL
Valley Hospital	23 Lake Road Upper Saddle River, NJ 07458 DJ-051153-2004	861.78	295,000.00	296,497.53	0.00	ALL
Atlantic Imaging Group, LLC	23 Lake Road Upper Saddle River, NJ 07458 DJ-159519-2006	246.17	295,000.00	296,497.53	0.00	ALL
Stephen J. Mcilveen, MD	23 Lake Road Upper Saddle River, NJ 07458 DJ-101680-2014	10,607.60	295,000.00	296,497.53	0.00	ALL
New Jersey Education Student Assistance Authroity	23 Lake Road Upper Saddle River, NJ 07458 J-153606-2013	29,228.75	295,000.00	296,497.53	0.00	ALL

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 4/25/2017 .	
Explain below why the plan is being modified:	Explain below how the plan is being modified:
To treat the claim with Shellpoint Mortgage Servicing as unaffected due to the Court approved loan modification.	Shellpoint Mortgage Servicing added to Part 4f.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>January 4, 2019</u>	<u>/s/ John G Sciortino</u> John G Sciortino Debtor
Date: _____	_____ Joint Debtor
Date: <u>January 4, 2019</u>	<u>/s/ Guillermo J. Gonzalez</u> Guillermo J. Gonzalez 076102014 NJ Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 John G Sciortino
 Debtor

Case No. 17-18105-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Jan 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 09, 2019.

db +John G Sciortino, 23 Lake Road, Saddle River, NJ 07458-1602
 cr +FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE), Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 cr +MTGLQ INVESTORS, L.P., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 516780071 #+Atlantic Imaging Group, LLC, 110 South Jefferson Road, 201, Whippany, NJ 07981-1038
 516780072 +Bankamerica, 4909 Savarese Cir, Tampa, FL 33634-2413
 516780073 C.Tech Collections, PO Box 402, Mount Sinai, NY 11766-0402
 516780077 +Cumberland Insurance Group, PO Box 596, Bridgeton, NJ 08302-0490
 516780078 +David B. Watner, 1129 Bloomfield Ave., Suite 208, Caldwell, NJ 07006-7123
 516780079 +Dsrm Nt Bk, Pob 631, Amarillo, TX 79105-0631
 516780081 +FMA Alliance, Ltd, PO Box 2409, Houston, TX 77252-2409
 516780080 +Fed Loan Serv, PO Box 60610, Harrisburg, PA 17106-0610
 516780082 +Foremost Insurance Gorup, 5600 Beech Tree Lane, Caledonia, MI 49316-9482
 516780083 +Glazer & Kamel, 1207 East Grand Street, 3rd Floor, Elizabeth, NJ 07201-2328
 516780086 +HUMC Cardio Partners, PC, PO Box 48339, Newark, NJ 07101-8539
 516780084 +Hackensack Radiology Grp, PO Box 6750, Portsmouth, NH 03802-6750
 516780085 +Hayt, Hayt & Landau, LLP, 2 Industrial Way West, Eatontown, NJ 07724-2279
 517029460 +MTGLQ Investors, L.P., c/o Shellpoint Mortgage Servicing, PO Box 10826,
 Greenville, SC 29603-0826
 516780087 +Michael Distefano, MD PA, 140 Noth Route 17, Ste. 255, Paramus, NJ 07652-2817
 516780088 +Michael Harrison, Esq., 3155 Route 10 East, Suite 214, Denville, NJ 07834-3430
 516829934 +NJ Class, PO Box 548, Trenton, NJ 08625-0548
 516780096 +PSE&G, P.O. Box 14444, New Brunswick, NJ 08906-4444
 516780091 +Phelan, Hallinan, Diamond & Jones, LLP, 400 Fellowship Road, ste. 100,
 Mount Laurel, NJ 08054-3437
 516780092 +Plaza Recovery, Inc., 5800 North Course Dr., Houston, TX 77072-1613
 516780094 +Powers Kirn, LLC, 728 Marne Highway, #200, Moorestown, NJ 08057-3128
 516780095 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
 516780097 +Samuel J. Weinstein, Esq., 2 West Northfield Road, #204, Livingston, NJ 07039-3758
 516780098 +Seterus Inc, 14523 Sw Millikan Way St, Beaverton, OR 97005-2352
 516780099 #+Solomon & Solomon, PC, Five Columbia Circle, Albany, NY 12203-5180
 516780100 +State Of Nj Student As, PO Box 543, Trenton, NJ 08625-0543
 516780101 +Stephen J. Mcilveen, MD, 1 West Ridgewood Ave., #307, Paramus, NJ 07652-2350
 516836885 The Bank of New York Mellon f/k/a., c/o Bank of America, P.O. Box 31785,
 Tampa, FL 33631-3785
 516780103 +The Valley Hospital, 223 North Van Dien Ave., Ridgewood, NJ 07450-2736
 517006747 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 516780105 +Valley ER Associates, PA, PO Box 1173, Ridgewood, NJ 07451-1173
 516780106 +Valley Hospital, 223 N. Van Dien Avenue, Ridgewood, NJ 07450-2736
 Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 08 2019 00:14:04 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 08 2019 00:14:01 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517029063 E-mail/PDF: resurgentbknofications@resurgent.com Jan 08 2019 00:11:49
 CACH, LLC C/O Resurgent Capital Services, PO BOX 10675, Greenville, SC 29603-0675
 516780075 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 08 2019 00:11:38 Capital One,
 15000 Capital One Dr, Richmond, VA 23238
 516780074 +E-mail/PDF: resurgentbknofications@resurgent.com Jan 08 2019 00:22:55 Cach of NJ, LLC,
 4340 South Monaco St., Denver, CO 80237-3485
 516780076 +E-mail/Text: bankruptcy@cavps.com Jan 08 2019 00:14:24 Cavalry Portfolio Serv,
 Po Box 27288, Tempe, AZ 85285-7288
 517001498 +E-mail/Text: bankruptcy@cavps.com Jan 08 2019 00:14:24 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 517001207 +E-mail/Text: bankruptcydpt@mcmcg.com Jan 08 2019 00:14:01 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 516780089 +E-mail/Text: bankruptcydpt@mcmcg.com Jan 08 2019 00:14:01 Midland Funding,
 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 516780090 +E-mail/Text: bankruptcydepartment@tsico.com Jan 08 2019 00:14:45
 NCO Financial Systems, Inc., PO Box 15273, Wilmington, DE 19850-5273
 516780093 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 08 2019 00:11:43
 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952
 516780104 E-mail/Text: bnc@alltran.com Jan 08 2019 00:13:02 United Recovery Systems, PO Box 722910,
 Houston, TX 77272-2910
 516886857 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 08 2019 00:23:32 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 13

David L. Stevens on behalf of Debtor John G Sciortino dstevens@scuramealey.com,
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/tscialla@scuramealey.com/mmack@scura.com
Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Guillermo Gonzalez on behalf of Debtor John G Sciortino ggonzalez@scuramealey.com,
ecfbkfilings@scuramealey.com/tscialla@scuramealey.com/mmack@scura.com/jesposito@scuramealey.com
Marie-Ann Greenberg magecf@magtrustee.com
Nicholas V. Rogers on behalf of Creditor FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")
nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor MTGLQ INVESTORS, L.P., nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor The Bank of New York Mellon fka The Bank of New
York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the
Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity L ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor The Bank of New York Mellon fka The Bank of
New York, as successor trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the
Certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity L ecf@powerskirn.com
TOTAL: 9